



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Acting Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Numbers:** 2206747

**Applicant Name:** Louise Wright

**Address of Proposal:** 337 24<sup>th</sup> Avenue East

**SUMMARY OF PROPOSED ACTIONS**

Master Use Permit for future construction of a 444 sq. ft. expansion to an existing second story of a single family residence.

The following approvals are required:

Variance – to allow an expansion of the principal structure into the required rear yard.  
SMC Section [23.44.014 B](#)

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non exempt grading or demolition  
or involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site and Vicinity Description**

The property is located in the Capitol Hill neighborhood, at the intersection of East Harrison Street and 24<sup>th</sup> Avenue East. The surrounding neighborhood is comprised primarily of single-

family residences. Immediately to the east, south and west are single family homes. To the north is property owned by the City of Seattle Parks Department. The site is moderately sloped but is not located in a mapped Environmental Critical Area.

The site measures 2,500 square feet and is currently developed with a single family home. The property is zoned Single Family residential with a minimum lot area of 5000 square feet (SF5000). All surrounding properties are similarly zoned.

Both East Harrison Street and 24<sup>th</sup> Avenue East are paved residential streets with curbs, gutters and sidewalks.

### Proposal

The project involves the reconfiguration and expansion of the partial second story to include a 407 sq. ft. addition. The addition of the “dormers” or “pop-up roof” will raise the interior head height to accommodate living space.

The entire south façade of the house is existing and nonconforming to current rear yard requirements, i.e. ten feet (10'-0") per [SMC 23.44.014 B](#). The applicant requests that the proposed “dormers” be allowed to project within that 10' rear yard, but no closer than 5'-0" to the property line which is the side lot line to the adjacent undeveloped property to the south. So drawn, the existing home extends into the required rear yard and is nonconforming with regard to development standards, and the proposal would increase that nonconformity.

### Public Comment

DCLU published public notice of the proposed development on December 19, 2002, and the associated public comment period ended on January 1, 2003. DCLU received no comments.

## **ANALYSIS - VARIANCE**

Variances may be authorized only when all of the variance criteria set forth at SMC Section [23.40.020](#) and quoted below are met.

1. **Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;**

The proposal site is approximately 50' x 50' equaling a total of 2,500 sq. ft. Given the size of the lot, the building footprint covers 1,155 sq. ft. when 1,750 sq. ft. of coverage is allowed. However, only a total of 997.5 sq. ft. of buildable area is onsite. Due to the year the home was constructed (1918), the structure is nonconforming to development

standards with respect to the rear yard and the side yard to the west. The required rear yard is 10'-0", but the existing structure is only providing 3'-0". The side yard to the north is required to be 5'-0", but the existing structure is only 2'-6" from the property line. The current owners bought the property in 1995 and were therefore not involved in the creation of the existing nonconformities.

The "unusual conditions" relate to the location of the existing home and the site's constrained buildable area limited by the substandard size of the lot.

At least four other single family homes (including the neighboring site to the west) within a two-block radius of the project site have similar nonconforming rear yards with a date of construction ranging from 1911-1922. The average lot size for these sites is 2,525 sq. ft., which is comparable to the 2,500 sq. ft. project site. Some of these homes have second stories in portions of the rear yard and would require a similar variance to this proposal if constructed today.

With this in mind, the proposed addition falls within the rights and a privilege enjoyed by neighboring property owners and does not conflict with other zoning standards such as lot coverage and structure dimensions.

2. **The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;**

Given the size of the existing lot and the location of the existing dwelling on the lot, there is no reasonable way to improve the livability of the house without improving the second level which requires, at minimum, dormers for adequate head height.

There is approximately 8'-6" of buildable area on the north side of the site given the fact that the house is required to have an 11'-6" front yard (through front yard averaging). The applicant could build a two story addition in this vicinity but it would require a reconfiguration of the first floor. This option would also increase the bulk of the structure and remove already limited yard area.

Instead, the applicant is proposing an addition that is set back from the existing south façade to allow for a 5'-0" distance between the addition and the south property line. The proposed second floor addition will therefore be 5'-0" from the side yard of the adjacent property. The applicant is not asking for a full second floor, as most of the neighbors would be allowed to do, but rather the opportunity to improve the usability of the existing partial second floor. The proposed design asks for the minimum necessary to alleviate the hardship created by the strict application of the Land Use Code.

The project set forth in this proposal is designed to improve the livability of the house by adding a bathroom upstairs where there currently is none, and by creating additional

headroom in the expanded bedrooms. These improvements constitute privileges that many neighbors already have.

**3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;**

The project is designed to provide a 5'-0" separation between the proposed wall and the south property line and therefore places no burdens on the undeveloped adjacent property. The new roofline is well under the 35'-0" maximum height allowed by the Land Use Code and is located up the hill to the west. The proposed west façade is designed to be 5'-0" from the west property line to respect that side yard. The proposed design is specifically designed to preserve and respect the historic character of the neighborhood and thereby benefit the public, the property and vicinity while doing no more than necessary to increase the usability of the existing second story.

**4. The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;**

The literal interpretation and strict application of the rear yard requirement would prohibit any addition to the existing footprint without a variance. In addition, literal interpretation and strict application of the Land Use Code would restrict any improvements to the second floor by means of an uncharacteristic and oddly configured design. The basement of this house is largely underground and cannot be considered a reasonable place to create more habitable space. The applicant could build a two-story addition to the north of the house but it would require a reconfiguration of the first floor and would reduce the limited yard area on the site. The applicable requirement of the Land Use Code in this case, would cause undue hardship or practical difficulties to the applicant if not granted.

The path chosen by this applicant to improve their existing living space and gain some additional space while preserving the original character of their house is a modest and reasonable solution.

**5. The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use Policies or Comprehensive Plan component, as applicable.**

The overall design and massing of the proposed project is consistent with the spirit and purpose of the Land Use Code in that it respects the adjacent property setbacks as well as the character of the surrounding building fabric. The proposed plan will improve the livability of the existing house to accommodate more people and will thereby allow an increase in the population density of the neighborhood. The proposal is therefore consistent with the spirit and character of the applicable Land Use Policy.

**DECISION – VARIANCES**

DCLU **GRANTS** the requested variance to allow a portion of principal structure to extend into the required rear yard.

Signature: \_\_\_\_\_ (signature on file) Date: March 6, 2003  
Bryan C. Stevens, Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Services

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